



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,315	11/20/2003	Francesco Serino	GLM-1042A	9755
27316	7590	08/28/2006	EXAMINER	
GREGORY L. MAYBACK, P.A. 5722 S. FLAMINGO ROAD #232 FORT LAUDERDALE, FL 33330			ADAMS, AMANDA S	
			ART UNIT	PAPER NUMBER
			3731	
DATE MAILED: 08/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/718,315	Applicant(s) SERINO ET AL.	
	Examiner Amanda Adams	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 23-42 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-21 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restrictions

2. Claims 1-9 and 23-42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected restriction groups and species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 14, 2005.
3. Applicant's election with traverse of Group II and Species B (Fig. 5) in the reply filed on December 14, 2005, is acknowledged. The traversal is on the ground(s) that the species are each applicable to more than one of the groups listed in the restriction requirement. This is not found persuasive because a species can be applicable to more than one group in a restriction requirement.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3731

2. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parodi (US 6,423,032) in view of Dehdashtian et al (US 6,143,014) and further in view of Marin et al (US 5,697,948).

3. Parodi discloses the invention substantially as claimed including a releasing balloon catheter comprising a tube (fig. 3A [45]) with a balloon ([46]), and a guiding balloon catheter comprising a sheath (fig. 3A [41]), a balloon ([42]) and a second tube acting as a connection for an inflating syringe ([44]). Parodi fails to disclose a dilator and an introducer as a part of the guiding balloon catheter apparatus.

4. However, Dehdashtian et al teach a dilator (col. 7, line 41) and an introducer (col. 7, lines 28-31) as components of the guiding balloon catheter. A dilator and an introducer facilitate easier insertion of a graft delivery system, reducing the size of the percutaneous incision. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added a dilator and introducer as a way of inserting and guiding the balloon catheter.

5. Neither Parodi nor Dehdashtian teach a cup-shaped connection between the tube and balloon of the releasing balloon catheter and an inflating syringe. However, Marin et al teach a cup-shaped connection between the tube and the balloon of the releasing balloon catheter (Figure 1A), and an inflating syringe (col. 7, line 16). Having a cup-shaped connection between a catheter and a balloon allows a smoother transition between components, and a connection is necessary if the catheter is to be used to inflate the balloon. Also, an inflating syringe is a common method of inflating a balloon

Art Unit: 3731

through a catheter, Therefore it would have been obvious to use a cup-shaped connector and to provide an inflation syringe.

Allowable Subject Matter

1. Claims 10 - 21 are allowed.
2. Regarding claims 10 and 16, the following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record, alone or in combination, discloses a stent-graft delivery system comprising all of the limitations specifically wherein there is a dilator fitted with a hemostatic valve, an introducer fitted with a valve, or a second tube running eccentrically outside a guiding balloon catheter which has a portion for connection to an inflating syringe, as set forth by the applicant. Parodi in view of Dehdashtian et al and further in view of Marin et al disclose the invention substantially as claimed except that they fail to teach a delivery system where a dilator fitted with a hemostatic valve, an introducer fitted with a valve, or a second tube running eccentrically outside a guiding balloon catheter which has a portion for connection to an inflating syringe.
3. Claims 11-15 depend from claim 10 and are thus allowable. Claims 17-20 depend from claim 16 and are thus allowable.

Response to Arguments

4. Applicant's arguments with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3731

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

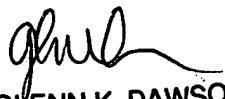
- US 5,275,622
- US 5,733,299.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda Adams whose telephone number is (571) 272-5577. The examiner can normally be reached on M-F, 8:00am-5:00pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

asa ASA 8/1/06


GLENN K. DAWSON
PRIMARY EXAMINER